

REMARKS

Claims 1-20 are currently pending in the present application.

Rejection under 35 U.S.C. § 102

Claims 1-5, 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Coursey* (US 5,950,130). Applicants respectfully traverse such rejection.

Claim 1 (and similarly Claims 9 and 17) recites a step of "sending a request over the air to a mobile telephone by one of said plurality of base transceiver stations ... to interrogate said mobile telephone's protocol capability." Contrary to the Examiner's assertion, *Coursey* does not teach or suggest the claimed step of sending a request by a base transceiver station to a mobile telephone for interrogating the mobile telephone's protocol capability in col. 31, lines 31-43. For example, in col. 31, lines 37-39, *Coursey* discloses that "the BMI will send the SOC Specific Request message to the mobile station (MS), and the MS will respond with the R-DATA ACCEPT message." Thus, *Coursey* merely teaches the BMI (or Base Station/Mobile Switching Center/Interworking Function as defined in col. 1, lines 24-25) sends the SOC (or System Operator Code as defined in col. 1, line 61) Specific Request message to the mobile station, and the mobile station then responds with a R-DATA ACCEPT message after the receipt of the SOC Specific Request message. As stated in col. 31, lines 33-36, the SOC Specific Request message is for downloading and programming a System Access List (SAL) along with some intelligent roaming information into the mobile station, but not for interrogating the protocol capability of the mobile station, as claimed.

In response to a detection of the claimed request by the base transceiver station, Claim 1 further recites a step of "responding with a protocol capability response message over the air by said mobile telephone ..., wherein said protocol capability response message includes a BAND_MODE_CAP field describing band and mode capability information of said mobile telephone." As mentioned above, *Coursey*

discloses that the mobile station responds with a R-DATA ACCEPT message after the receipt of the SOC Specific Request message. However, the R-DATA ACCEPT message does not include any band and mode capability information of the mobile station, which is also indicative to the fact that *Coursey*'s teachings are different from the claimed invention.

Nevertheless, the Examiner further asserts, despite the apparent conflict with the above-mentioned teachings from *Coursey*, that the claimed response message, which includes a BAND_MODE_CAP field, from the mobile telephone, is disclosed in col. 15, lines 29-46. However, col. 15, lines 29-46 of *Coursey* is not related to mobile responses to base transceiver stations at all. Col. 15, lines 29-46 simply disclose a mobile station user may be given the option to select a conventional roaming mode (such as A Band Only, B Band Only, or A Band Preferred, etc.) to operate according to a Preferred System Selection logic, or to select an Intelligent Roaming mode in which the SAL and intelligent roaming capabilities can be executed. Because Claim 1 recites novel features that are not taught or suggested by *Coursey*, the § 102 rejection is believed to be overcome.

CONCLUSION

Claims 1-20 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claims 1, 9, and 17 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

A one month extension of time is requested. Enclosed is a \$110.00 check for the extension of time. No fee is believed to be necessary; however, in the event that

any fee is required for the prosecution of this application, please charge it against the firm Deposit Account No. **06-0580**.

Respectfully submitted,



Antony P. Ng
Registration No. 43,427
FELSMAN, BRADLEY, VADEN, GUNTER & DILLON, LLP
Suite 350 Lakewood on the Park
7600B N. Capital of Texas Highway
Austin, Texas 78731
(512) 343-6116

ATTORNEY FOR APPLICANTS